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MAR 15 2001

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Paper No. 4

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In re Application of: C. Thompson et al.
Application No.: 09/576,462
Filed: May 23, 2000
For: SYSTEM AND METHOD FOR
PROCESSING IMPORT/EXPORT
TRANSACTIONS

**DECISION ON PETITION
TO MAKE SPECIAL**

This is a decision on the petition, filed February 15, 2001 under 37 C.F.R. §102(d) to make the above-identified application special. This petition will be treated as further filed under M.P.E.P. § 708.02(II): Infringement due to petitioner's assertion of infringement.

A grantable petition under 37 C.F.R. §1.102(d), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. §1.17(i) and a statement under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. A fee under 37 C.F.R. for such a petition is required .

The petition does not meet the requirements for special status in that it does not state that an infringing device or product is actually on the market or method in use as per (A) above. Further, while a search has been performed, the petition does not clearly state that a "careful and thorough" search of the prior art has been made as per (C) above. Petitioner is reminded that only references "deemed most closely related to the subject matter encompassed by the claims" as stated in MPEP §708.02, Section II need be submitted instead of "all such material art" as indicated in the petition.

The petition is DENIED.

Should applicant desire reconsideration, he/she should supplement this petition by a declaration or statement giving the information as outlined above. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision.



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